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REMARKS

Claims 1-3, 5-9, 11-12, 14-22, and 28 are pending in the present application.

Reconsideration is respectfully requested for the following reasons.

The drawings were objected to for failing to mention the number "31". This has been corrected by amendment to the specification by eliminating the reference to numeral "31". Accordingly, it is now believed that the drawings are acceptable.

Applicant thanks the Examiner and his supervisor for the telephone interview conducted August 12, 2003, in which the independent claims and the cited art were discussed. The amendments above are believed to reflect the merits of that discussion. As noted in the interview, the Examiner indicated that he would need to consider all matters proposed in the present amendment, but would favorably consider the same in view of the comments during the interview and as summarized below.

The pending claims were rejected as anticipated by or unpatentable primarily over Haines 4,813,442 and Radig 3,902,264, but also in combination with one or more of Kanter 5,339,847, Seaman 3,838,838, Dubinksy 6,129,101, Sayles 3,848,352, Clopton 4,788,997, and French document 2577302.

The standard for anticipation is that, in order to anticipate the invention as claimed, all elements must be found in a single reference. *Studiengesellschaft Kohle v Dart Industries*, 726 F2d 724, 220 USPQ 841 (Fed. Cir. 1984). Further, in order to render a claimed invention unpatentable, the art must reasonably teach or suggest the claimed invention. In other words, the claimed invention cannot be used as a template to piece together teachings of the prior art.

*In Re Fritch*, 972 F2d 1260, 23 USPQ2d 1780 (Fed. Cir. 1992).

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The present apparatus focuses on a hunting blind optimally suited for duck hunting, but which is usable in other areas. Specifically, as noted in the specification on page 4, line 7, "when a hunter 8 sits on the seat 13 (Figs. 3 and 6), the latch 18 is released, but the weight of the hunter overcomes a force of the spring 62 and keeps the hood frame 15 from being pulled open. When ducks fly over, the hunter stands up (Figs. 4, 4A, and 7), causing the spring 62 to pull and pivot the hood frame rearwardly, resulting in the hood flying open rearwardly for an unobstructed gunshot."

Haines 4,813,442 discloses a collapsible protective structure where a pedal (20A) can be depressed to move an umbrella canopy (11) from a collapsed downward position around the structure's center post, to an expanded position where the canopy expands horizontally to cover the area underneath, effectively "hiding" the area from sunlight. Haines does not disclose any latch. Further, the canopy in Haines is not movable to an open position where the hood uncovers a seating area. Instead, Haines is specifically designed to cover the seating area when it is opened. Further, the operation of the pedal mechanism is different than the structure claimed.

Radig 3,902,264 discloses a blind for hunters, including a foot pedal that is depressible and that includes a linkage (122/118/116/112) and upper frame assembly (32) that swings opposing halves of a collapsible cover shroud (16) horizontally outwardly when the pedal is depressed. Radig also does not disclose a latch as defined. Further, the structure of Radig is distinctly different than that presently claimed.

Sayles 3,848,352 discloses a hunter's blind, where a cover (10) is pivoted to a structure rearward of the hunter and is biased by rubber bands (40) so that when the cover is bumped by

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the hunter's head, the cover pops open. However, Sayles also does not disclose a latch as defined. Further, the structure of Sayles is distinctly different.

Dubinsky, Kanter, Seaman, Clopton and French patent FR 2577302 do not supply the disclosure missing from the above-mentioned patents. Further, it is noted that Dubinsky discloses a ballast weight located totally within the tubular post disclosed in Dubinsky. Clopton discloses a lightweight portable blind that does not include movable hood. Kanter, Seaman, and FR 2577302 disclose various leg configurations of interest and are not believed to be relevant to the pending claims, as discussed below.

Specifically, in regard to the claims, claim 1 defines a latch operably connected to a link-and-bias mechanism and to a body-supporting member, "the latch being movable between a latched position where the latch secures the body-supporting member in a secured position against a force of the link-and-bias mechanism until the person places a portion of the person's body weight on the body-supporting member, and [further is] configured to automatically move to a released position when the person places the portion of their body weight on the body-supporting member." As noted above, Haines and Radig do not disclose latches. Further, they do not disclose latches structurally connected as defined, nor do they disclose or suggest a latch that operates as defined or a link-and-bias mechanism as defined. It is noted that "a latch" is defined in Webster's Ninth New Collegiate Dictionary, copyright 1991, as being "any of various devices in which mating mechanical parts engage to fasten but usually not lock something." It is noted that Haines and Radig do not include anything that "fastens", nor that include "mating mechanical parts". Instead, Haines and Radig use some kind of a counterbalancing mechanism or overcenter mechanism that operates to control their canopy or

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hood.

The remaining patents do not disclose or suggest the structure as claimed.

Accordingly, claim 1 is believed to be in condition for allowance.

Dependent claims 2-3, 5-9, 11-12, and 14-17 are dependent on base claim 1 and therefore are allowable for that reason, and further are allowable since they define non-obvious combinations with the invention of claim 1. In particular, it is noted that the prior art does not disclose or suggest at least claim 2, where the body-supporting member comprises a seat; nor claim 8, where a link mechanism includes a movable component located within a cavity defined by tubular members of a framework; nor claim 9 where the link mechanism includes a cable with a first end extending out of the cavity and operably connected to the body-supporting member, and with a second end extending out of the internal cavity and operably connected to the hood. It is noted that Dubinsky was cited against claim 9. However, Dubinsky discloses an umbrella having a ballast weight that acts as a counterweight against a force of the umbrella/canopy. The ballast weight is located entirely within the tubular member where it is positioned out of sight and in a safe position to not present a safety hazard to people using the device. Accordingly, Dubinsky is not combinable with Haines or Radig since it teaches directly away from having first and second ends of a cable extending outside of a tubular member and connected to a hood and a body-supporting member. Accordingly, all of these dependent claims are also believed to be in condition for allowance.

Claim 18 defines a blind including, among other things, a latch attached to an upright tubular frame proximate a seat and operably connected to the seat for movement between a latched position that holds a hood in a hiding position when a person is not resting on the seat,

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and for automatic movement to a released position when the person is resting on the seat, the latch further being configured to stay in the released position when the person stands up from the seat and until the latch is reset. As noted above, Haines, Radig, and the other cited patents do not disclose or suggest any such latch as defined. Further, they do not disclose or suggest the present combination, which includes a particular arrangement of a base, tubular frame, seat, hood, latch, and a cable passing at least in part through the tubular frame and that operably connects the hood to the latch. Accordingly, claim 18 is believed to be in condition for allowance along with dependent claims 19-21, which are dependent on base claim 18.

Claim 22 defines a blind including, among other things, a latch that, when in a holding position, holds the seat in a lowered position, and when in a released position, releases the seat for movement from the lowered position. Further, the blind defines the seat as being configured and arranged to hold a hood in a hiding position when the hunter is resting on the seat even when the latch is in the released position. Haines and Radig do not disclose a latch as defined, as discussed above. Further, they do not disclose or suggest a blind having a base, a frame, a link-and-bias mechanism, a hood, and a seat, as defined in the particular defined combination. Accordingly, claim 22 is believed to be in condition for allowance.

Claim 28 defines a covered apparatus including, among other things, a seat defining a seating area and movable between a first position and a second position, a hood movable between a hiding position where the hood is located over hides the seating area, and an open position where the hood is moved to uncover the seating area. The claim 28 further defines a link-and-bias mechanism operably connecting the seat to the hood so that the first position of the seat corresponds to the hiding position of the hood and so that the second position of the

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seat corresponds to the open position of the hood. The link-and-bias mechanism provides a biasing force to automatically move the hood toward the open position when a hunter moves his weight from the seat. A releasable latch is provided that is configured to selectively secure the seat in the first position against the biasing force of the link-and-bias mechanism when the hunter is not placing a portion of their weight on the seat. As noted above, Haines and Radig do not disclose or suggest a releasable latch as defined. Further, they do not disclose or suggest a seat, hood, and link-and-bias mechanism operably interconnected to a latch as defined in claim 28. Nor do the remaining references disclose or suggest the subject matter missing from these two primary references. Accordingly, claim 28 is believed to be in condition for allowance.

Reconsideration of the Office Action is respectfully requested and a Notice of Allowability earnestly solicited for all pending claims.

Respectfully submitted,  
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Date

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